

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL, INC., COMEDY)
PARTNERS, COUNTRY MUSIC.)
TELEVISION, INC., PARAMOUNT)
PICTURES CORPORATION, and BLACK)
ENTERTAINMENT TELEVISION, LLC,)
)
Plaintiffs,)
)
vs.) NO. 07-CV-2103
)
YOUTUBE, INC., YOUTUBE, LLC,)
and GOOGLE, INC.,)
)
Defendants.)
)

)
THE FOOTBALL ASSOCIATION PREMIER)
LEAGUE LIMITED, BOURNE CO., et al.,)
on behalf of themselves and all)
others similarly situated,)
)
Plaintiffs,)
vs.) NO. 07-CV-3582
)
YOUTUBE, INC., YOUTUBE, LLC, and)
GOOGLE, INC.,)
)
Defendants.)
)

VIDEOTAPED DEPOSITION OF MATTHEW LIU
SAN FRANCISCO, CALIFORNIA
FRIDAY, NOVEMBER 13, 2009

JOB NO. 17826

1 NOVEMBER 13, 2009

2 9:05 a.m.

3
4 VIDEOTAPED DEPOSITION OF MATTHEW LIU,
5 SHEARMAN & STERLING, 525 Market Street,
6 San Francisco, California, pursuant to notice,
7 before ANDREA M. IGNACIO HOWARD, CLR, CCRR, RPR,
8 CSR License No. 9830.
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A P P E A R A N C E S:

FOR THE PLAINTIFFS VIACOM INTERNATIONAL INC.:

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A P P E A R A N C E S (Continued.)

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ALSO PRESENT:

ADAM L. BAREA, Litigation Counsel, Google

KELLY TRUELOVE, Consultant

KEN REESER, Videographer.

---oOo---

09:09:08 A Yes, I understand.

09:09:10 Q Okay. Do you have any questions?

09:09:11 A Not at this time.

09:09:12 Q Okay. Is there any reason that you would be

09:09:14 unable to testify truthfully and to the best of your

09:09:17 ability today?

09:09:18 A No.

09:09:18 Q Is there anything you know of that might

09:09:20 adversely affect your memory?

09:09:22 A No.

09:09:22 Q Okay. Are you on any medication that might

09:09:24 adversely affect you?

09:09:26 A No.

09:09:26 Q Okay. Mr. Liu, who is your current employer?

09:09:29 A My current employer is Google, Inc., e.g.

09:09:36 Google.

09:09:36 Q Okay. And what is your current title?

09:09:38 A My current title is product manager.

09:09:40 Q Product manager; okay.

09:09:42 To whom do you report?

09:09:44 A I report to Shishir Mehrotra.

09:09:47 Q Could you spell that, please?

09:09:49 A S-H-I-S-H-I-R. Last name is

09:09:57 M-E-H-R-O-R-T-R-A.

LIU, MATTHEW

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2 09:09:58 Q Okay. Forgive me.
3 09:10:01 Is that male or female?
4 09:10:04 A Actually, I think I misspelled the last name.
5 09:10:07 It's M-E-H-R-O-T-R-A, I believe.
6 09:10:14 Q Okay.
7 09:10:14 A Yeah.
8 09:10:14 Q I'm sorry. I'm sorry. Is that male or
9 09:10:16 female?
10 09:10:18 A Male.
11 09:10:18 Q And what is Mr. Mehrotra's title?
12 09:10:22 A Director of product management.
13 09:10:24 Q Okay. Does anyone report to you?
14 09:10:25 A No, no one reports to me.
15 09:10:27 Q Okay. You say that you are a product
16 09:10:29 manager. Are you responsible for any particular area
17 09:10:30 of YouTube? Is there anything more to product manager
18 09:10:30 than --
19 09:10:37 A Yes. So currently I am working on some of
20 09:10:39 our advertising products.
21 09:10:41 Q Okay. How long have you worked at YouTube?
22 09:10:47 A I've worked at YouTube just about
23 09:10:49 three-and-a-half years.
24 09:10:50 Q So 2006, roughly?
25 09:10:54 A May 2006 is when I began.

LIU, MATTHEW

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2 09:10:56 Q Okay. And have you had the same title since
3 09:10:59 you've been at YouTube?

4 09:11:03 A No.

5 09:11:03 Q What have your titles been?

6 09:11:06 A So I started out as a product manager at
7 09:11:08 YouTube. After the Google acquisition, my title
8 09:11:12 became associate product manager, and then over time I
9 09:11:17 became product manager at Google.

10 09:11:20 Q Okay. And what projects have you worked on
11 09:11:22 since you joined YouTube?

12 09:11:24 A Since joining YouTube, I've worked on various
13 09:11:29 community features, so Sharing Friends. Following
14 09:11:34 that, I worked on a project called Claim Your Content.

15 09:11:38 Q Okay.

16 09:11:38 A Following that, I worked on various
17 09:11:40 advertising-related projects.

18 09:11:43 Q Okay. When did you start spending more of
19 09:11:50 your time working on advertising?

20 09:11:53 MR. MANCINI: Objection; form.

21 09:11:55 THE WITNESS: Can you be more precise?

22 09:11:59 MS. MAGUIRE: Q. I think you testified that
23 09:12:04 over time -- well, I guess, do you still work on all
24 09:12:10 of those projects?

25 09:12:11 A No, I do not.

LIU, MATTHEW

09:16:49 used a little too broadly. It eventually became
09:16:54 Promote Your Video, but at one point it was also
09:16:58 related to Search PVAs. Those two became distinct
09:17:05 projects, and Promote -- Promote Your Video was also
09:17:07 an internal name.

09:17:08 Q Okay.

09:17:09 A That later became Sponsored Videos there in
09:17:12 public launch, and today it's called Promoted Videos
09:17:15 Publicly.

09:17:16 Q Okay. When were Sponsored Videos launched to
09:17:18 the public?

09:17:20 A Sponsored Videos was launched in November of
09:17:23 2008.

09:17:25 Q Okay. You used the term PVA. What does PVA
09:17:39 stand for?

09:17:40 A PVA was an acronym we used for Participatory
09:17:46 Video Ad.

09:17:47 Q And that became known as YVA?

09:17:49 A At some point we renamed it YVA, which was
09:17:53 YouTube Video Ad.

09:17:54 Q Okay. What is the difference between a
09:17:57 Search PVA and a Homepage PVA?

09:18:00 A A Search PVA ran on the Search pages, and the
09:18:04 Homepage PVA ran on the Homepage.

LIU, MATTHEW

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2 09:18:08 Q Okay. Is that the only difference between
3 09:18:10 the two?
4 09:18:10 A No.
5 09:18:10 Q What are the other differences?
6 09:18:12 A Can you be more precise with that question?
7 09:18:19 Q Maybe it makes sense to -- to do it this way:
8 09:18:22 Can you describe for me what the Homepage PVA is?
9 09:18:26 Where is it on the page? Where is it on the page?
10 09:18:30 Let's start with that.
11 09:18:31 MR. MANCINI: Objection to form.
12 09:18:32 THE WITNESS: Can you be more precise with
13 09:18:34 the question?
14 09:18:35 MS. MAGUIRE: Q. Is there a specific page on
15 09:18:37 the YouTube Homepage that the PVA shows, or its
16 09:18:41 physical real estate location?
17 09:18:43 A Yes.
18 09:18:43 Q Where is that?
19 09:18:44 A The top right portion of the Homepage.
20 09:18:46 Q Okay. What type of media is it? Is it text?
21 09:18:52 Is it a video?
22 09:18:57 A That's -- it's not really -- that's not a
23 09:19:05 great way to characterize it.
24 09:19:08 Q What's a better way?
25 09:19:09 A The way that I would describe it is it's a --

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LIU, MATTHEW

09:19:14 a player that is a click-to-play unit, and when
09:19:20 someone clicks to play, then a video will start
09:19:23 playing within that player.

Q Is the Search PVA similar to that? Is it
09:19:49 also a player with a click-to-play unit?

A What do you mean by "similar"?

Q Is -- is -- on the Search page, the PVA on
09:20:00 the Search page, is that a player, the same type of
09:20:04 player that's on the Homepage?

A Yes.

Q Okay. And is it generally in the same place
09:20:10 on the page?

A What do you mean by "generally"?

Q Is the player for the click-to-play unit on
09:20:19 the Search page, where is that located on the page?

A So it's on the right-hand side of the page.
09:20:29 It's not necessarily at the top. It may be halfway
09:20:32 down the page.

Q Okay. Does an advertiser choose whether he
09:20:54 or she wants their ad on the Homepage or the Search
09:20:57 page?

MR. MANCINI: Objection to form.

THE WITNESS: Can you be more precise?

MS. MAGUIRE: I don't know, actually.

LIU, MATTHEW

09:25:12 a Search PVA or a Homepage PVA?

09:25:15 A The advertiser would buy a Search PVA and a

09:25:19 Homepage PVA independently.

09:25:21 Q Okay. What is different about the -- is

09:25:33 it -- is it true that one difference between the

09:25:36 search PVA and the Homepage PVA is where they are on

09:25:40 the YouTube site?

09:25:43 A Yes.

09:25:44 Q Okay. Are there other differences between

09:25:45 the Homepage PVA and the search page PVA?

09:25:48 A Yes.

09:25:48 Q What are they?

09:25:53 A So there are numerous differences. Or,

09:25:57 sorry, the main difference is what I talked to you

09:26:00 about before, the buying model. You buy the Homepage

09:26:04 on a per-day basis for a fixed fee, and you buy the

09:26:10 Search page PVA on a CPM basis.

09:26:18 There are -- the -- the Search page PVA, you

09:26:27 are also able to -- the industry term is to target

09:26:36 based on certain criteria; whereas, the Homepage PVA

09:26:40 is basically just shown on the Homepage.

09:26:46 Q Okay. What does the term "target" mean?

09:27:01 A So, again, this is a term that's used among

09:27:04 the indus- -- industry. I don't have the exact

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LIU, MATTHEW

09:27:07 definition that's universally accepted, but the way I
09:27:10 understand it is it provides some guidelines as to --
09:27:17 in what instances the ad will show.

Q What kind of guidelines?

A So talking about targeting in general, there
09:27:31 are various types of targeting. There's demographic
09:27:36 targeting, geographic targeting, and I'm not saying
09:27:39 these are necessarily things that we've used. There's
09:27:45 various other forms of targeting as well.

Q Okay. What kind of targeting does YouTube
09:27:54 use?

A That's a very -- can you be more specific
09:27:56 with that question?

Q Does YouTube target based on demographics?

A Are you referring to YouTube as a whole --

Q Does YouTube --

A -- or YouTube as --

Q Excuse me. I'm sorry. I didn't mean to talk
09:28:12 over you, but you can finish asking me what you were
09:28:15 asking me.

A Oh, can you be more precise with that
09:28:17 question?

Q Yeah. I'm sorry.

The search PVAs are targeted; is that right?

09:28:24 MR. MANCINI: Objection to form.

09:28:24 THE WITNESS: Can you rephrase that question?

09:28:28 MS. MAGUIRE: Q. Did you -- are Search PVAs

09:28:32 targeted?

09:28:33 MR. MANCINI: Objection to form.

09:28:34 THE WITNESS: The -- get -- can you be more

09:28:48 precise when you talk about targeting?

09:28:51 MS. MAGUIRE: Uh-huh.

09:28:52 Q We're actually going to get there.

09:28:54 A Okay.

09:28:54 Q I think that -- is it -- it's harder to do

09:29:15 this in this chair; okay.

09:29:30 Mr. Liu, earlier you testified that the

09:29:33 Search page PVA, you are also able to -- the industry

09:29:37 term is to target based on certain criteria.

09:29:40 Do you remember testifying to that?

09:29:41 A Yes.

09:29:41 Q Okay. What do you mean -- what kind of

09:29:45 targeting is done there?

09:29:49 MR. MANCINI: Objection to form.

09:29:50 THE WITNESS: So can you be more specific

09:30:01 about what you mean by "what kind of targeting is done

09:30:03 there"?

09:30:03 MS. MAGUIRE: Q. What criteria does YouTube

LIU, MATTHEW

09:30:06 use to target in Search PVAs?

09:30:09 A YouTube does not actually target --

09:30:12 Q Okay.

09:30:14 A -- on behalf of advertisers, but it offers
09:30:17 targeting abilities to advertisers.

09:30:21 Q Okay. So the advertiser selects how they
09:30:28 want to do the targeting; is that correct?

09:30:31 A Yes.

09:30:31 Q Okay. What options does YouTube provide for
09:30:36 targeting?

09:30:38 A On the Search PVA?

09:30:40 Q Uh-huh, correct.

09:30:43 A The targeting options an advertiser has are
09:30:51 run of site, which is show on any search pages, or
09:30:56 they can do, again, a technical term called vertical
09:31:00 targeting, and there's also geographic targeting.

09:31:05 There's demographic targeting, and it is possible to
09:31:10 do more than one of these at one time.

09:31:14 Q Okay. Can you define what "run of
09:31:19 site" means?

09:31:20 A Run of site essentially means the advertiser
09:31:26 just wants to run the ad, and they also specify the
09:31:31 number of impressions, and this information goes to
09:31:36 the ad server that the -- in this case, YouTube is

09:31:43 using, and the ad server sees these ads as ads that it

09:31:50 can run on untargeted inventory.

09:32:15 Q Okay.

09:32:19 MS. MAGUIRE: Correct.

09:32:35 A Sorry. That was a poor description.

09:32:45 Q What is inventory?

09:33:12 Q Okay. And who's the publisher?

09:33:15 A The publisher is a technical term, and in
09:33:18 this case, YouTube is the publisher.

1 LIU, MATTHEW

2 09:33:20 Q Okay. Thank you.

3 09:33:22 You used the term "vertical" earlier.

4 09:33:28 What is a "vertical"?

5 09:33:31 A Vertical, once again, is a very specific

6 09:33:33 technical term. In this case, we defined it as a -- a

7 09:33:42 category of search queries that have been classified.

8 09:34:09 Q What is a search query? What do you mean by

9 09:34:12 that?

10 09:34:15 A A search query is an industry term that,

11 09:34:21 again, there's a very specific definition, but my

12 09:34:25 definition is a -- it's the string of keywords, one or

13 09:34:32 more keywords that a user enters into a search bar --

14 09:34:37 Q Okay.

15 09:34:37 A -- in order to run a search query --

16 09:34:40 Q Okay.

17 09:34:40 A -- on a search engine.

18 09:34:42 Q Okay. And how do you run -- how do you run a

19 09:34:55 search query in a search engine?

20 09:34:57 A I'm not the best person to answer that

21 09:34:59 question.

22 09:35:00 Q Okay. A vertical -- Mr. Liu, you testified

23 09:35:34 earlier that a vertical is defined in this case as a

24 09:35:38 category of search queries that have been classified.

25 09:35:41 What is a category of search query?

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LIU, MATTHEW

09:35:49 A So I used the category based on my own
09:35:56 language. It's actually not -- this one is not a
09:35:58 technical term, but what I was aiming to describe
09:36:01 is -- so there are different search queries that are
09:36:10 related to different topics, and the categories are
09:36:14 these higher level of topics, and each of these topics
09:36:22 we may say, you know, certain keywords are related to
09:36:27 this topic, and this category, and other keywords may
09:36:32 be related to another category.

09:36:53 Q How is a keyword assigned to a particular
09:36:58 category?

09:36:59 MR. MANCINI: Objection; lacks foundation.

09:37:01 THE WITNESS: Can you clarify what you mean
09:37:04 by "assigned"?

09:37:05 MS. MAGUIRE: Q. How is it determined that a
09:37:07 keyword is related to a particular category?

09:37:10 A That is actually not within my scope of
09:37:12 knowledge.

09:37:13 Q Okay. Whose scope of knowledge would that be
09:37:21 in?

09:37:22 A I actually don't know who the person would
09:37:24 be.

09:37:24 Q Okay. What is the system or project called
09:38:17 that sets those relationships, those categories?

1 LIU, MATTHEW

2 09:40:29 Objection to form.

3 09:40:30 THE WITNESS: That's -- yeah, can you clarify

4 09:40:35 that question?

5 09:40:35 MS. MAGUIRE: Okay.

6 09:40:36 Q For the purposes of targeting, for the

7 09:40:40 purposes of YouTube targeting in Search PVAs, are

8 09:40:43 keywords and search queries targeted to certain

9 09:40:46 categories?

10 09:40:47 MR. MANCINI: Objection to form.

11 09:40:49 THE WITNESS: That's incorrect vocabulary.

12 09:40:53 MS. MAGUIRE: Okay.

13 09:40:53 Q Where's the problem?

14 09:40:59 A So keywords are classified by Google's

15 09:41:05 systems, which I'm not an expert on, but I've heard

16 09:41:09 that they're RePhil clusters, and this is how they're

17 09:41:19 classified. Excuse me.

18 09:41:21 YouTube references these Google libraries and

19 09:41:28 gets information as to how keywords are classified,

20 09:41:33 and we use what we learn from those Google systems to

21 09:41:41 provide what's, again, a very specific term, vertical

22 09:41:45 targeting, and we allow our advertisers to select

23 09:41:53 which verticals they would like to target.

24 09:42:07 Q Okay. Does YouTube have separate systems

25 09:42:14 from Google for targeting, or does it rely entirely on

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LIU, MATTHEW

10:04:12 objection it goes beyond the scope of this deposition,

10:04:15 but you can answer if you know.

10:04:16 THE WITNESS: Again, let me just caveat first

10:04:18 that I'm not an expert, and if you want to find out

10:04:20 about AdSense, there are people at Google that you

10:04:22 should probably talk to, and my previous statement of

10:04:27 classification for AdSense is also a generalization.

10:04:32 Classification for -- AdSense, at a very high

10:04:39 level, is a Google advertising product that aims to

10:04:45 show, trade term, contextually relevant ads to

10:04:53 contextually relevant pages or inventory across the

10:05:00 Internet.

10:05:01 MS. MAGUIRE: Okay.

10:05:03 THE WITNESS: That's not the official

10:05:04 definition of AdSense that a Google --

10:05:06 MS. MAGUIRE: I understand.

10:05:07 THE WITNESS: -- spokesperson would give you,

10:05:08 but that's the way that I would describe it at a

10:05:13 30,000-foot level.

10:05:15 MS. MAGUIRE: Okay. That's great. Just so

10:05:15 we can --

10:05:16 A Yeah.

10:05:16 Q -- have a conversation, that would be

10:05:24 perfectly helpful.

1 LIU, MATTHEW

2 10:20:20 projects in the Santa Monica office.

3 10:20:23 Q Okay. Do you know why it's called Fat Cat?

4 10:20:26 A I do not know.

5 10:20:27 Q Okay. Can you look to the portion of the

6 10:20:35 e-mail that starts "On 7/31/07, Matthew Liu wrote."

7 10:20:41 Do you see that?

8 10:20:41 A I do see that.

9 10:20:42 Q In the first paragraph, you say, "As you

10 10:20:45 know, search monetization is a huge priority for us."

11 10:20:48 Why is that?

12 10:20:50 MR. MANCINI: Objection; document speaks for

13 10:20:51 itself.

14 10:20:52 THE WITNESS: Yeah, at this time in August of

15 10:20:57 2007, we saw search monetization as an opportunity and

16 10:20:57 so it was a priority.

17 10:21:05 MS. MAGUIRE: Q. What kind of opportunity?

18 10:21:07 A We saw it as an opportunity to monetize

19 10:21:10 YouTube.

20 10:21:12 Q Okay. Going down a few lines, what does it

21 10:21:27 mean that, quote, "improving targeting (and

22 10:21:35 consequently performance)"?

23 10:21:37 MR. MANCINI: Sorry. Where is that?

24 10:21:39 MS. MAGUIRE: It's -- it's the second

25 10:21:41 sentence that begins "Now that we are very close to

10:30:25 Q We'll come back to that though.

10:30:28 A Okay.

10:30:53 (Document marked Liu Exhibit 3

10:30:54 for identification.)

10:30:54 MS. MAGUIRE: Q. Mr. Liu, that document is

10:30:57 marked Liu Exhibit 3.

10:31:00 While you're looking it over, I'll note that

10:31:02 it is an e-mail from Billy -- the top e-mail is from

10:31:09 Billy Biggs to Virginia Wang. You are CCed, along

10:31:14 with Erik Klein.

10:31:15 The subject line of the document is "Re:

10:31:19 Rephil and YT." The date of the document is

10:31:22 August 2nd, 2007. The Bates number begins with

10:31:28 GOO001-06514417.

10:31:36 Please let me know when you've had a chance

10:31:38 to look this over.

10:31:54 A I've finished reading the document.

10:31:56 Q Okay. Thank you.

10:32:02 The first line of the e-mail is "RePhil is a

10:32:05 word clustering scheme and there's a lookup in Google

10:32:10 to map those word clusters to ad vertical names."

10:32:14 What does that mean to you?

10:32:16 MR. MANCINI: Objection; document speaks for

10:32:17 itself. Objection to form.

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LIU, MATTHEW

10:32:19 THE WITNESS: So actually that doesn't mean a
10:32:22 whole lot to me. This is an e-mail from Virginia, who
10:32:25 is a product manager, who doesn't actually work on
10:32:31 RePhil. But, like me, she was in conversations with
10:32:34 that team. I think this is her way of simplifying
10:32:36 how -- simplifying what RePhil is, but again it's not
10:32:40 the precise definition.

10:32:42 MS. MCGUIRE: Okay.

10:32:43 Q Just for the sake of the record, I think the
10:32:46 e-mail is from Billy Biggs to --

10:32:47 A Oh, sorry.

10:32:48 Q And who is Mr. Biggs?

10:32:50 A Mr. Biggs is an engineer at YouTube.

10:32:52 Q Does he work? Do you know if he works on
10:32:55 RePhil?

10:32:56 A I believe he did not work on RePhil, but he
10:33:00 works on -- he may -- he -- he works with engineers
10:33:04 that do work on RePhil.

10:33:05 Q Okay. Do you know what a word cluster is, a
10:33:10 word clustering scheme?

10:33:11 MR. MANCINI: Objection; beyond the scope of
10:33:12 this deposition.

10:33:13 THE WITNESS: Again, this is a way that Billy
10:33:15 has described this. I don't know exactly what he

1 LIU, MATTHEW

10:33:18 2 means, and again, it's not a technical way of
10:33:23 3 describing the system, in my opinion.

10:33:25 4 MS. MAGUIRE: Q. Can you please go to where
10:33:45 5 it reads, "For each video in the search index, we
10:33:48 6 calculate a set of RePhil clusters, and they derive ad
10:33:54 7 verticals during the process of building the search
10:33:56 8 index. That gives you a way" -- I'm sorry -- "this
10:34:01 9 gives you a way of categorizing videos based on the
10:34:05 10 text used in the description, title and anchor text."

10:34:08 11 Do you understand what that means?

10:34:10 12 MR. MANCINI: Objection; calls for
10:34:11 13 speculation. Objection; form.

10:34:18 14 THE WITNESS: Yeah, no, I'm not really -- I'm
10:34:20 15 not really sure what Billy means here.

10:34:22 16 MS. MAGUIRE: Q. Do you know what the
10:34:27 17 description, title and anchor text are?

10:34:31 18 MR. MANCINI: Same objections.

10:34:33 19 THE WITNESS: I don't know specifically what
10:34:38 20 Billy means in this case.

10:34:39 21 MS. MAGUIRE: Q. Does description, title and
10:34:41 22 anchor text mean anything to you outside of the
10:34:43 23 context of this e-mail?

10:34:45 24 MR. MANCINI: Objection to form.

10:34:48 25 THE WITNESS: I certainly have heard these

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LIU, MATTHEW

10:34:50 terms and used these terms. I wouldn't necessarily --
10:34:57 I can't be sure that this is how Billy is using these
10:35:00 terms, but this description, as I would understand it,
10:35:04 is the description of a video that the user has
10:35:07 inputted, and the title is the title of the video that
10:35:10 the user has inputted, and I don't have a great
10:35:14 understanding of what anchor text is.

10:35:16 MS. MAGUIRE: Okay.

10:35:21 Q Do you know, YouTube -- does YouTube require
10:35:23 a user to offer -- excuse me.

10:35:27 Does YouTube require a user to provide a
10:35:31 description and title of a video at the present day?

10:35:32 MR. MANCINI: Objection to form. Objection;
10:35:34 lacks foundation.

10:35:35 THE WITNESS: What do you mean by require
10:35:37 to --

10:35:37 MS. MAGUIRE: Q. When a user uploads a
10:35:39 video, must they provide a description and a title?

10:35:43 MR. MANCINI: Objection to form.

10:35:44 THE WITNESS: Let me rephrase that.

10:35:47 When a user is uploading a new video to
10:35:50 YouTube, I do believe they need to put some amount of
10:35:55 text within the title and description input fields,
10:35:59 and those are recorded as the title and description of

1 LIU, MATTHEW

2 10:36:03 the video, and other users can see that.

3 10:36:05 MS. MAGUIRE: Okay.

4 10:36:06 Q Do you know if there's anything else that a

5 10:36:08 user has to provide?

6 10:36:12 MR. MANCINI: Objection to form.

7 10:36:13 THE WITNESS: When a user uploads a video,

8 10:36:16 there are certain mandatory data fields that the user

9 10:36:20 must provide. "Provide" is the wrong word. Sorry.

10 10:36:24 The user must input into these fields. I

11 10:36:29 don't know exactly what they are, but I know there are

12 10:36:36 mandatory fields that are required, but...

13 10:36:38 MS. MAGUIRE: Q. Do you know if the

14 10:36:39 fields -- what would happen -- do you know what would

15 10:36:43 happen if a user did not put text in those fields?

16 10:36:44 MR. MANCINI: Objection to form; calls for

17 10:36:45 speculation.

18 10:36:46 THE WITNESS: If the user is trying to upload

19 10:36:49 a video and does not put input into certain data

20 10:36:56 fields, I don't remember which one, then they would

21 10:36:58 not be allowed to continue the process and would not

22 10:37:02 be an allowed to upload that video until providing

23 10:37:05 additional inputs into the fields that are missing.

24 10:37:08 MS. MAGUIRE: Okay.

25 10:37:09 Q And do you know if that's always been the

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12:07:39 THE WITNESS: I'm not sure what you mean by
12:07:41 that.

12:07:41 MS. MAGUIRE: Q. Is it correct that an
12:07:46 advertiser -- am I correctly stating what you just
12:07:51 told me, that an advertiser selects verticals that
12:07:53 they wish to target their ads against? Is that
12:07:56 accurate?

12:07:57 MR. MANCINI: Objection; mischaracterizes
12:07:58 testimony. Objection to form.

12:08:00 THE WITNESS: The way I would state it is
12:08:03 that an advertiser pays to show impressions of their
12:08:10 search PVA. There's a price associated with that.
12:08:17 They can choose targeting criteria of which vertical
12:08:25 targeting is one criteria, and what this means is,
12:08:28 show my search PVA when search queries that fall into
12:08:36 this vertical are inputted by users.

12:08:42 MS. MAGUIRE: Okay.

12:08:53 Q And an advertiser can choose to target --
12:08:56 they can choose their targeting criteria to include
12:08:59 one vertical or, for example, four verticals, is that
12:09:03 accurate? Just picking a number.

12:09:04 MR. MANCINI: Objection to form.

12:09:05 THE WITNESS: An advertiser can target no
12:09:10 verticals or it can target one or more verticals.

1 LIU, MATTHEW

2 12:09:17 MS. MAGUIRE: Okay.

3 12:09:17 THE WITNESS: And the advertiser can also

4 12:09:23 target other things as well, like geography,

5 12:09:26 demographics.

6 12:09:27 MS. MAGUIRE: Sure.

7 12:09:28 Q Is it more expensive to target multiple

8 12:09:30 criteria, or is it all based on the impression?

9 12:09:34 MR. MANCINI: Objection; lacks foundation.

10 12:09:35 Objection to form.

11 12:09:36 THE WITNESS: That's not how I would describe

12 12:09:37 it, but we did have a pricing structure. If it was

13 12:09:43 untargeted, it would be one price. I don't remember

14 12:09:46 what that price is. If you wanted to use vertical

15 12:09:52 targeting, there would be different prices if it was

16 12:09:55 first level vertical, second level vertical, third

17 12:09:59 level vertical, and there were also different prices

18 12:10:01 if you wanted to do demographic and geographic

19 12:10:05 targeting.

20 12:10:06 MS. MAGUIRE: Okay.

21 12:10:07 Q You mentioned demographic targeting a few

22 12:10:10 times. Have you heard of a tool called Ginsu?

23 12:10:14 A I have heard of the term called Ginsu.

24 12:10:18 Q What is Ginsu?

25 12:10:20 A I actually never worked on Ginsu and don't

1 LIU, MATTHEW

2 13:12:42 Q I want to understand how the product works.

3 13:12:44 I want to understand who uses it, how they use it, why

4 13:12:48 they use it.

5 13:12:49 MR. WILLEN: Objection; that's a compound

6 13:12:53 question. You got to ask him one at a time.

7 13:12:57 THE WITNESS: I mean, again --

8 13:12:59 MS. MAGUIRE: Q. I'm trying to understand

9 13:13:00 where the -- where we're having a little disconnect.

10 13:13:02 A Yeah, how the product works is a very vague

11 13:13:04 question, and I think I need more details from you as

12 13:13:07 to exactly what you're asking. Otherwise, we can talk

13 13:13:10 about this for hours.

14 13:13:12 Q We got to get started first.

15 13:13:14 So what is a Promoted Video?

16 13:13:29 A A Promoted Video is very much like what we

17 13:13:36 call a Promoted Video. It's a video that -- that the

18 13:13:44 YouTube systems are promoting on behalf of an

19 13:13:48 advertiser that has user systems to indicate that they

20 13:13:54 would like to promote that video, to get that video in

21 13:13:57 front of the YouTube user community with the hopes of

22 13:14:05 getting that video viewed by our user community.

23 13:14:07 Q Okay. What kind of advertisers use the

24 13:14:16 program?

25 13:14:17 MR. WILLEN: Objection to the form.

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14:20:22 best of my knowledge, there is no policy or rule that
14:20:29 prevents an advertiser from targeting the keyword
14:20:34 South Park for these Promoted Videos today with the
14:20:38 intention of showing the Promoted Videos on search
14:20:41 queries for South Park on the YouTube search pages.

Q Okay. Do you know if there is a rule or
14:20:49 policy that limits the ad that -- okay. Strike that.

Okay. Mr. Liu, we covered Search PVA and
14:21:25 Promoted Videos, or PYV. Are there any other types of
14:21:29 advertising on YouTube?

MR. WILLEN: Objection to the form.

THE WITNESS: What do you mean by "types of
14:21:38 advertising"? I mean, YouTube clearly is involved in
14:21:43 Internet advertising working with advertisers.

MS. MAGUIRE: Okay.

Q So what are -- what kind of advertising is on
14:21:48 YouTube besides PVA and Promoted Videos?

A Are you asking about what type of ad format?

Q Yeah.

A We have Homepage ads with various types of
14:22:05 ads. The Homepage YVA, Homepage mass set, we show a
14:22:12 number of different formats on what are known as
14:22:15 Partner Watch pages. Partner Watch pages being pages
14:22:20 of -- where videos are shown, and those videos are

1 LIU, MATTHEW

2 14:22:25 either partner uploaded or partner claimed, and the

3 14:22:30 partners set the policy to be a revenue share.

4 14:22:34 On those Partner Watch pages, we show a

5 14:22:38 number of ads. It's a very complex system to

6 14:22:43 determine which ads are shown.

7 14:22:45 On the YouTube browse pages we may show ads.

8 14:22:49 On the YouTube Search pages, we may show Promoted

9 14:22:54 Videos. We may show search PVAs. We may show display

10 14:22:59 ads. We may also show what are known as AdSense for

11 14:23:03 search text sense, and there are other

12 14:23:12 advertising-related products, but those are -- those

13 14:23:18 are the main advertising products I would say on

14 14:23:24 YouTube.

15 14:23:30 Q Are you familiar with the term "house ad"?

16 14:23:33 A Yes, I've heard the term "house ad."

17 14:23:35 Q What is a "house ad"?

18 14:23:38 A I'm actually not the best person to give a

19 14:23:42 formal definition for "house ad."

20 14:23:44 In fact, a "house ad" has been used in a

21 14:23:51 couple different contexts in not very specific ways.

22 14:23:56 Can you ask more specifically. "House ad" in

23 14:24:00 what context or what --

24 14:24:02 Q Well, actually, what -- in what ways has --

25 14:24:14 has the term "house ad" been used at YouTube?

2 14:34:41 THE WITNESS: Yes, this document appears to
3 14:34:42 be a copy of a Watch Page.
4 14:34:44 MS. MAGUIRE: Okay.
5 14:34:45 Q Do you see the box near the top, it says
6 14:34:47 "ALIENWARE"?
7 14:34:49 A Yes, I see that.
8 14:34:50 Q What is this box?
9 14:34:53 MR. WILLEN: Objection to the form.
10 14:34:54 THE WITNESS: Can you clarify?
11 14:34:59 MS. MAGUIRE: Q. Is it an advertisement?
12 14:35:03 A To the -- I can't say for sure, but it looks,
13 14:35:11 you know, based on my looking at this document, to be
14 14:35:14 an advertisement.
15 14:35:15 Q Does it look like any type of advertisement
16 14:35:17 to you? For example, does it look like a PVA or PYV
17 14:35:22 that we discussed earlier today?
18 14:35:24 A What do you mean by "type"? An ad format?
19 14:35:28 Q Uh-huh.
20 14:35:29 A It looks like a display ad.
21 14:35:33 Q Okay. Are -- is this ad targeted in any way
22 14:35:37 to this page?
23 14:35:37 MR. WILLEN: Objection to the form; calls for
24 14:35:42 speculation; vague.
25 14:35:43 THE WITNESS: There's no way I can answer

LIU, MATTHEW

14:35:45 that question.

14:35:45 MS. MAGUIRE: Q. Are display ads, in

14:35:47 general, targeted to the -- to a page?

14:35:53 MR. WILLEN: Objection to form.

14:35:54 MS. MAGUIRE: Excuse me.

14:35:55 Q Are display ads targeted in any way?

14:35:59 MR. WILLEN: Objection; vague.

14:35:59 THE WITNESS: You have to be more specific.

14:36:00 MS. MAGUIRE: Q. What is a display ad?

14:36:02 MR. WILLEN: Objection; vague.

14:36:04 THE WITNESS: I mean, display ad is, you

14:36:07 know, an industry term that often refers to ads where

14:36:13 you display them in front of a user. They're

14:36:16 typically banners that have images that -- can you be

14:36:25 more specific as to what you're asking when you're

14:36:26 asking --

14:36:27 MS. MAGUIRE: Yeah.

14:36:27 THE WITNESS: -- what a display ad is?

14:36:29 MS. MAGUIRE: That's a perfectly fine

14:36:31 definition of a display ad.

14:36:33 Q In general -- I'm sorry. Can a display ad be

14:36:36 targeted?

14:36:38 MR. WILLEN: Objection to the form; calls for

14:36:40 speculation.

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LIU, MATTHEW

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14:39:56 Q Do you see to the left where it says

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14:39:58 "Provided By," and it's cut off?

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14:40:00 A Yes.

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14:40:00 Q Do you see that tab "Director"?

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14:40:02 A That -- Yes, that.

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14:40:03 Q What does that mean?

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14:40:05 MR. WILLEN: Actually, before -- before you

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14:40:06 answer that question, can you answer my question?

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14:40:08 Is -- is -- is the copy, as it was produced,

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14:40:11 or is there a copy that has that additional text

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14:40:13 somewhere in the production or in your possession?

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14:40:15 MS. MAGUIRE: This is the copy that was

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14:40:17 produced.

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14:40:20 MR. WILLEN: Cut off on the right side?

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14:40:21 MS. MAGUIRE: Correct.

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14:40:22 MR. WILLEN: Okay. Okay. Go ahead. Sorry.

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14:40:24 THE WITNESS: So the director logo here

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14:40:29 designates that this -- the YouTube uploader, who

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14:40:32 uploaded this video, had a director account.

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14:40:36 MS. MAGUIRE: Q. Does the director account

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14:40:40 still -- is that an option that exists on YouTube

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14:40:44 today?

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14:40:44 MR. WILLEN: Objection to the form; calls for

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14:40:46 speculation.

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14:44:49 see thumbnails for other videos that may be of -- that
14:44:53 may have been uploaded by partners or may not have
14:44:56 been uploaded by partners.

14:44:58 MS. MAGUIRE: Okay.

14:45:21 Q And is the opposite true, that if I go to a
14:45:24 Partner Watch page, the "Related" videos may be
14:45:27 partner or nonpartner videos?

14:45:29 MR. WILLEN: Objection to the form; vague;
14:45:32 calls for speculation.

14:45:35 THE WITNESS: Again, the terminology you're
14:45:37 using, is that -- first off, I wouldn't say there's an
14:45:40 opposite.

14:45:45 If a user goes to a Partner Watch page where
14:45:48 they're watching a partner video, they will see a
14:45:50 "Related" videos tab within that "Related" videos
14:45:53 section. They're going to be thumbnails of other
14:45:59 videos, and to the best of my knowledge, those
14:46:04 thumbnails of other videos may contain thumbnails
14:46:07 pointing to partner videos or nonpartner videos.

14:46:10 MS. MAGUIRE: Okay. You can set that
14:46:17 document aside, Mr. Liu.

14:46:21 MR. WILLEN: Actually, before we get off this
14:46:23 document, this document was created, you said, in
14:46:25 November of 2006.

1 LIU, MATTHEW

2 14:47:55 at the close of discovery?

3 14:47:57 MR. WILLEN: It depends on what documents

4 14:47:59 you're talking about. I'm happy to have an offline

5 14:48:02 conversation about that. I think this document falls

6 14:48:04 into a subject of category, but I'm certainly prepared

7 14:48:05 to discuss that.

8 14:48:06 MS. MAGUIRE: Okay. Then, let's not waste

9 14:48:08 time on the record, and we can discuss it offline.

10 14:48:22 Q Mr. Liu, I'm going to hand you an exhibit

11 14:48:26 marked Liu Exhibit 11.

12 14:48:27 (Document marked Liu Exhibit 11

13 14:48:28 for identification.)

14 14:48:50 MS. MAGUIRE: Q. Mr. Liu, while you look at

15 14:48:52 this document, I will note for the record that this

16 14:48:55 is a document from a page print from a YouTube Watch

17 14:48:59 Page that was printed on September 14th, 2009, at

18 14:49:03 12:37 a.m.

19 14:49:05 The url is You Tube --

20 14:49:07 <http://www.YouTube.com/watch?v=B7K4Vgxi2FM>.

21 14:49:29 The title of this video, pardon the language,

22 14:49:32 is "Kanye West shits on Taylor Swift - 2009 VMA's."

23 14:49:39 A Okay.

24 14:49:40 Q And I think that's everything.

25 14:49:42 Mr. Liu, does this appear to be a Watch Page

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14:50:56 THE WITNESS: I don't know for sure, but I'm

25 | 14:52:30 Objection to the form; vague.

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LIU, MATTHEW

15:20:37 MS. MAGUIRE: Mr. Liu, I'm going to show you

15:20:39 a document marked Liu -- marked Liu Exhibit 12.

15:20:58 Please take a look at it, and while you do, I will

15:21:01 note that this is a document is a page print from the

15:21:07 YouTube search result page for the search "Comedy

15:21:11 Central." This document was printed on August 18th,

15:21:14 2009, at 1:42 p.m.

15:21:15 The Viacom plaintiffs produced this document,

15:21:18 and it bears the Bates No. VIA14375204, and the Viacom

15:21:27 plaintiffs are de-designating this document to not

15:21:31 confidential.

15:21:32 Q Please let me know when you've had a chance

15:21:34 to look it over.

15:21:35 A I've had a chance to look it over.

15:21:37 Q Does this appear to be a YouTube search

15:21:39 results page to you?

15:21:40 A Yes, this appears to be a YouTube search

15:21:43 results page for the search query "Comedy Central."

15:21:46 Q Okay. Do you see any ads on this page,

15:21:48 Mr. Liu?

15:21:49 A Yes, I see advertisements on the right-hand

15:21:51 side of the page.

15:21:52 Q Okay. Could you describe them?

15:21:57 MR. WILLEN: Objection to the form.

15:21:58 THE WITNESS: Can you be more specific for --

15:22:01 THE WITNESS: -- when you ask for a

15:22:04 MS. MAGUIRE: I'm sorry.

15:22:07 A Yes. I see two advertisements on this page.

15:22:14 has a thumbnail, and the text "Delusions of Grandeur."

15:22:22 and Lindsay." That is a Promoted Videos format, and

15:22:31 Watch movies on YouTube.

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15:22:42      A    300-by-250 display ad --
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15:22:45      A  -- or banner ad, yes.
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15:22:51 set it aside.

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15:23:28 called "Suggested Search"?
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15:23:32 Q Can you describe that for me, please?

15:23:34 MR. WILLEN: Objection to the form; vague.

1 LIU, MATTHEW

15:23:39 2 THE WITNESS: Again, can you be a little more
15:23:41 3 specific when you say "describe"?

15:23:42 4 MS. MAGUIRE: Q. What is "Suggested Search"?

15:23:45 5 A To the best of my understanding, it's exactly
15:23:47 6 what it is. There's suggested search queries or,
15:23:50 7 sorry, when a user starts typing a search query,
15:23:53 8 "Suggested Search" suggests what the user might be
15:23:56 9 typing in as the search query.

15:24:01 10 Q What are those suggestions based on?

15:24:03 11 MR. WILLEN: Objection to the form; vague;
15:24:05 12 calls for speculation.

15:24:09 13 THE WITNESS: I'm not exactly sure what
15:24:10 14 you're asking. Actually, I've never worked on
15:24:13 15 "Suggested Search," so probably am not the right
15:24:15 16 person to answer that question.

15:24:16 17 MS. MAGUIRE: Q. Do you know who does work
15:24:18 18 on Suggested Search?

15:24:20 19 A I don't know of a particular individual, but
15:24:22 20 someone on YouTube search team.

15:24:24 21 Q YouTube search team; okay.

15:24:28 22 Mr. Liu, this document is Liu Exhibit 13, I
15:24:42 23 believe.

15:24:42 24 (Document marked Liu Exhibit 13
15:24:43 25 for identification.)

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15:26:08 exactly where you're --

15:26:10 MS. MAGUIRE: Q. Do you see --

15:26:11 A -- you want me to look at.

15:26:12 Q Uh-huh.

15:26:12 Do you see T-R-O-P-I in the search bar?

15:26:15 A I do see that.

15:26:15 Q And do you see the results or the words

15:26:18 underneath that, "tropic thunder, tropic thunder tom

15:26:22 cruz, tropical thunder"?

15:26:24 A Yes, I see those.

15:26:25 Q Do you know what the words "tropic thunder,"

15:26:28 "tropic thunder tom cruz," "tropical thunder" are?

15:26:32 MR. WILLEN: Objection to the form.

15:26:33 THE WITNESS: They're words in this box, but

15:26:43 could you be more specific as to what you're asking?

15:26:46 MS. MAGUIRE: Q. Are these -- do you see the

15:26:48 word "Suggestions" in that bar -- in that box as well?

15:26:52 A Yes, I do.

15:26:52 Q Do you know if these are -- the suggested

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15:26:56 search -- if this is drawing on the suggested search
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15:26:58 feature we were just discussing?

15:27:01 MR. WILLEN: Objection to the form.

15:27:02 THE WITNESS: I'm not sure what you mean by

15:27:06 drawing on the suggested search feature, but I think

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LIU, MATTHEW

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15:27:09 what you're asking is, are these queries that are

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15:27:12 returned from YouTube suggested search when a user

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15:27:15 begins typing the word -- the letters T-R-P-I in the

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15:27:19 YouTube search bar. And if that's what you're asking,

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15:27:22 then it appears that this is -- these are suggested

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15:27:31 search terms.

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15:27:32 MS. MAGUIRE: Okay.

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15:27:32 Q Do you know how those terms are generated?

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15:27:35 Let me put a finer point on that.

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15:27:37 Do you know how it is that the system

12

15:27:41 suggests tropic thunder when a user types in

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15:27:46 T-R-O-P-I?

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15:27:47 MR. WILLEN: Objection to the form.

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15:27:48 THE WITNESS: You know, I don't know.

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15:27:55 MS. MAGUIRE: Q. And who would know?

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15:28:00 A Again, I don't know the individual that works

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15:28:02 on YouTube's suggested search, but someone on the

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15:28:06 YouTube search team.

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15:28:12 MS. MAGUIRE: Q. Mr. Liu, do you know when

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15:28:13 this feature was first launched?

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15:28:19 A By "feature," if you're talking about the

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15:28:21 suggested search, I do not know when this was

24

15:28:24 launched.

25

15:28:24 Q Okay. Do you have any ballpark sense?